

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TREMAR JONES,

Plaintiff,

v.

STATE CORRECTIONAL
INSTITUTE COAL TOWNSHIP, *et*
al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Civil No. 1:19-CV-0399

Judge Sylvia H. Rambo

ORDER

AND NOW, this 25th day of JUNE 2019, in accordance with the
accompanying Memorandum issued this date, it is **ORDERED** that:

1. Mr. Jones' applications for leave to proceed *in forma pauperis* (Docs. 7 and 13) are granted.
2. Plaintiff must, and has agreed to, pay the full \$350.00 filing fee regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
5. Mr. Jones' claims against inmate Sidiq Mansray and SCI-Coal Township are dismissed with prejudice pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)\(ii\)](#).
6. Mr. Jones' claims against Superintendent McGinley and Jennifer Shaud are dismissed without prejudice pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)\(ii\)](#).
7. Within twenty-one (21) days from the date of this Order, Mr. Jones shall file an amended complaint.
8. The amended complaint shall contain the same case number presently assigned to this action, and shall be direct, concise, and shall standalone without any reference to any document filed in this matter. *See* [Fed. R. Civ. P. 8](#).
9. Mr. Jones may not include or add new claims unrelated to the September 6, 2018 assault to his amended complaint. *See* [Fed. R. Civ. P. 20](#). Any new or unrelated claims should be filed in a new action.

10. Should Mr. Jones fail to file a timely amended complaint, this matter shall proceed solely on Plaintiff's Eighth Amendment failure to protect claim against CO Earb.
11. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Mr. Jones shall use in preparing his amended complaint.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge